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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/619,236

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Andrew Danforth

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EXAMINER

BAROT, BHARAT

ART UNIT

PAPER NUMBER

2155

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/619,236

Applicant(s)

DANFORTH, ANDREW

Examiner

Bharat N. Barot

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-26 is/are rejected.
- 7) ☒ Claim(s) 13,14 and 27-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/29/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1, 6, 8, and 13-14 are objected to because of the following informality:
Claims 1, 6, 8, and 13-14 recited phrase "adapted to", which is not proper language for claim structure. Examiner suggests that "adapted to" should be configured to.
Appropriate corrections are required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-12 and 15-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey et al (U.S. Patent No. 7,054,924) in view of Ogami et al (U.S. Patent No. 6,898,703).

4. As to claim 1, Harvey et al disclose a system for provisioning a network device with a boot file (configuration information) (see abstract and summary of the invention; and figures 1-2), the system comprising: a communication link (CL); and a dynamic configuration server (DCS) connected to the CL, the DCS configured to: receive a boot file request from the network device via the CL, the boot file request comprises a boot file template identifier; select a boot file template based on the boot file template identifier; assign each of the one or more attributes of the selected boot file template an attribute value based on the boot file identifier to store the boot file; and send the boot file via the CL to the network device to provision the network device with the boot file (figures 1-2 and 8A-8B; column 5 line 56 to column 6 line 32; columns 7-8; column 15 line 15 to column 16 line 17; and column 28 line 57 to column 29 line 29). However, Harvey et al do not teach that the DCS configured to: generate one or more boot file templates, each of the one or more boot file template comprises one or more attributes associated with the network device. Ogami et al teach that the DCS configured to: generate one or more boot file templates, each of the one or more boot file template comprises one or more attributes associated with the network device (see abstract; figures 3A and 4-5; column 8 lines 10-60; column 9 line 18 to column 11 line 42; and column 11 lines 57-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Ogami et al stated above in the system of Harvey et al for generating a plurality of boot file templates because it would have provided a system of facilitating automatic generation of the boot sequence instructions in a convenient and efficient manner.

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5. As to claims 2-3 and 9-12, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the DCS as a TFTP server; the CL as an IP network; and the network device is selected from the group of a DOCSIS compliant device, a PacketCable compliant device, a CableHome compliant device, a router, a switch, and a server because it would have increased the utilization of the DCS and over-all performance and efficiency of the system.

6. As to claims 4-6, Harvey et al disclose that the boot file request comprises a boot file template identifier/filename, which comprises a designated attribute value for each attribute of the selected boot file template, and the DCS is further configured to extract each designated attribute value from the boot file filename and to assign each designated attribute value to the attribute to which it is designated (figures 1-2 and 8A-8B; columns 7-8; column 15 line 15 to column 16 line 17; and column 28 line 57 to column 29 line 29).

7. As to claims 7-8, Harvey et al disclose that the boot file template identifier is a MAC address associated with an attribute value record, the attribute value record comprises a designated attribute value for each attribute of the selected boot file template, and wherein the DCS is further configured to extract each designated attribute value from the attribute value record and to assign each designated attribute value to the attribute to which it is designated (figures 1-2 and 8A-8B; columns 7-8; column 15 line 15 to column 16 line 17; and column 28 line 57 to column 29 line 29).

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8. As to claims 15-26, they are also rejected for the same reasons set forth to rejecting claims 1-12 above, since claims 15-26 are merely the method of operations for the apparatus defined in the claims 1-12.

Allowable Subject Matter

9. Claims 13-14 and 27-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Additional Reference

10. The examiner as of general interest cites the following reference.

a. Black et al, U.S. Patent No. 7,111,053.

Contact Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Patent Examiner Bharat Barot

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March 02, 2007

Bharat Barot
BHARAT BAROT
PRIMARY EXAMINER